

face the present situation in view of our present social and economic conditions and particularly in view of certain Supreme Court decisions that have been recently enunciated.

Ladies and gentlemen, I have no intention of trying to make constitutional lawyers out of each one of you for two reasons. First, after two agonizing months, I have not been able to make one out of myself and, second, it has been amply demonstrated we have all the constitutional lawyers we need.

I also wanted to give you just a brief view of what this Committee has done, how it considered the problem, the way it has solved or at least come up with the recommendations we have for you. Finally very briefly I will touch upon the actual recommendations. I recognize, ladies and gentlemen, that as the minister said, you do not get any converts after the first twenty minutes. I will try to keep this as short as possible.

But in any understanding of a constitution-making process in Maryland or in any other state of the Eastern Seaboard, we must realize, first of all, that we were originally English colonies. Therefore, our history and our outlook goes back to the English Common Law and to the experience of the English people in the course of five or six hundred years of battling with absolute monarchism, with unruly parliaments, and with supreme church bodies who governed and ruled people's lives through government or outside of government.

The first bill of rights that was developed in this country was the Virginia Bill of Rights, which was formulated by one George Mason and enunciated in June of 1776, prior to the Declaration of Independence. From this stemmed many of the articles or concepts we find in our bill of rights and in those of other states.

The present Declaration of Rights of our Constitution can be traced to this very group of concepts by George Mason. We must look to our own original Constitution in 1776, remember that it was written by a group of people just a month or two after the Declaration of Independence when the country was at war. There was very little communication in a primarily rural country, where people were aroused by what had happened to them by soldiers, by English oppression, by lack of representation in Parliament and so forth. If we look at the actual preamble of the Constitution

of 1776, we can see the attitude and what the people at that time were concerned with. It says, "The Parliament of Great Britain, by a declaratory Act, having assumed a right to make laws to bind the colonies in all cases whatsoever, and, in pursuance of such claim, endeavored, by force of arms, to subjugate the united colonies to an unconditional submission to their will and power, and having at length constrained them to declare themselves independent states, and to assume government under the authority of the people, therefore, we" and so forth. We were under a system of excitement and revolution. In 1867 when the fourth Maryland Constitution was written, the civil war had just ended, there was a period of violence. Troops were located in Baltimore to keep the city in subjection. The writ of habeas corpus had been suspended. Soldiers patrolled election booths, and there were no free elections. Judges had been imprisoned months at a time and again the Declaration of Rights and the Constitution reflected that situation.

Today we have a different situation but one that perhaps is equally exciting in many ways though not quite as spectacular. We have racial tensions, ghettos, a war on poverty, social upheavals, hippies, and the rest of it. Most important, there have been a series of Supreme Court decisions which have brought to bear on state action many of the freedoms guaranteed by the federal Constitution. We cannot ignore this when we consider the bill of rights we are concerned with here today. We are dealing in constitutional matters involving the accused in racial discrimination matters, involving state-church relationships, freedom of the press, freedom of religion, et cetera.

For a very quick moment, let's look at this United States Constitution. As you know, it was written in 1787 without a bill of rights because it was thought that such a bill of rights was not necessary. However, such a great opposition arose to it that it became almost a decisive issue, and it was agreed informally by the various people of importance that there would be a bill of rights later added to the federal Constitution. This was done and became, as you know, the first ten amendments to the Constitution.

Now, we talk about a Constitution doing two things. It provides a framework of government by which the people set up an orderly manner of government for themselves. It also protects certain basic freedoms, and these are intertwined efforts.